

**REMARKS**

Reconsideration of this application is respectfully requested.

In response to the rejection of many claims under 35 U.S.C. §112, second paragraph, the applicant has amended all pending claims so as to adopt the Examiner's suggestions and otherwise obviate all outstanding formal grounds of rejection under 35 U.S.C. §112.

With respect to dependent claims 16 and 19, the Examiner is reminded that as a matter of law these dependent claims do already include every limitation of any parent claims. More particularly, claims 16 and 19 both depend from method claim 17 and have been slightly amended in form alone so as to hopefully satisfy the Examiner's concerns.

The rejection of claims 1-10 and 12 under 35 U.S.C. §101 is again respectfully traversed.

With respect to independent apparatus claim 1, it clearly does recite tangible apparatus. In particular, it includes elements drafted in "means plus function" format with corresponding computer hardware/software apparatus antecedent in the specification (*e.g.*, See Fig. 1 et. seq.). The fact that such computerized hardware inherently includes a computer programmed processor does not in any way detract from the fact that what is claimed is indeed "tangibly embodied". Clearly the apparatus claims do include "hardware" as part of the claimed apparatus.

With respect to dependent claims 2-10 and 12, the same is also true.

Accordingly, the outstanding rejection based on 35 U.S.C. §101 is believed to be clearly erroneous and withdrawal of same is respectfully requested.

The rejection of claims 1-4, 6-7, 9 and 16-19 under 35 U.S.C. §102 as allegedly anticipated by Retallick '215 is respectfully traversed.

The amendments made to claims 1 and 17 further highlight the two different types of tasks, wherein a first type of task (*e.g.*, a web search) is performed by the information management system, and the second task (*e.g.*, displaying the search results to a user) is of a different type. An amendment has also been made to more clearly require the "information" defined in the claims to result from the performance of the first type of task.

In the applicant's exemplary embodiments, an information management system performs tasks of a first type, such as a Yellow Pages search for a restaurant, resulting in some output information, such as the search results. This is defined in claim 1 by the recitation of "receiving information resulting from the performance of the one or more tasks of a first type". A task of a second type is then generated in order to communicate this information (*e.g.*, the search results) to the user, wherein supply of the information is scheduled during a free time in the user's schedule. Thus, overloading of the user with information from multiple information management systems simultaneously is avoided or minimized.

Retallick describes a system for managing contacts and activities in a work management system. The portions of text highlighted by the Examiner all relate to activities associated with this. In Retallick, an activity may be created by a sending user that establishes an action requiring the performance of a task by a receiving user. The sender may be alerted if the recipient is unavailable (*e.g.*, away on business). The sender then has an option to modify the activity accordingly. Reference is made to the text from column 6, line 64 to column 7, line 21.

It is clear from this text that a single activity is created, which is equivalent to a ToDo item or task to be executed by the recipient, wherein this activity is sent to a recipient, and the system can allow or reject the activity depending on the availability of the recipient.

Retallick fails, at least, to disclose the features in amended claim 1 of "receiving information resulting from the performance of the one or more tasks of a first type" and "generating a task of a second type for communication the received information to the user...scheduling an execution time for said task of a second type for communicating the received information to the human user so as to avoid the user's current and future activities identified by user's workload input". The identified features clearly highlight the two stage (task) process of the presently claimed invention, where a first task is performed resulting in information, and the information is then scheduled to be communicated to a user via the execution of a second task, but where the execution time is specifically scheduled to avoid the user's current and future activities.

In Retallick, there is only one type of task, namely an activity, and not the two types of tasks as defined in applicant's claim 1. Moreover, the text identified by the Examiner in column 7 fails to disclose any scheduling means for "scheduling an execution time for said task of a second type for communicating the received information to the human user so as to avoid the user's current and future activities identified by the user workload output". In Retallick, a user (sender) is notified of the conflict of a single task (an activity), if that task is not in line with the availability of the recipient user. There is not specific scheduling means to coordinate the actual execution time of a second task so as to avoid the user's current and future activities.

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In other words, the applicant's invention finds an actual free time in the user's diary for executing a second task, whereas in Retallick there is a fixed time for an activity (a first task) set by the sender and the sender is merely notified by the system when the activity cannot be performed due to a conflict in the recipient's availability.

The rejection of claims 5, 8, 10 and 12 under 35 U.S.C. 103 as allegedly being made "obvious" over the same single Retallick reference is also respectfully traversed.

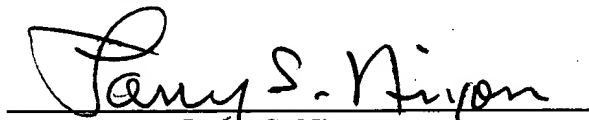
Fundamental deficiencies of Retallick have already been noted above with respect to parent claim 1 *et al.* These additional claims contain still additional limitations that further distinguish the claimed subject matter from any possible teaching or suggestion of Retallick.

Accordingly, this entire application is now believed to be in allowable condition and a formal Notice to that effect is respectfully solicited.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:

A handwritten signature in dark ink, appearing to read "Larry S. Nixon", is written over a horizontal line.

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